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Before the
Federal Communications Commission
Washington D.C. 20554

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FCC - MAILROOM

In the Matter of

Amendment of Section 73. 202(b) Table of Allotments, FM Broadcast Stations.

(Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky)

MB Docket No. 04- 17 RM- 11113 RM- 11114

Morristown, Indiana CH 201A

Franklin, Indiana CH 208A

Supportive Comments of Counter Proposal by Indiana Community Radio Corporation

Comes now Hoosier Public Radio Corporation (HPR) in the above noted Rule making Proceeding. HPR has a time-share application (BPED-20040701AAE) to share time with WFCI Franklin Indiana (BLED-19940812KA) which has not operated minimum hours.

As a result of the NPRM and this Counter Proposal there will be channels available with which to resolve the mutually exclusive applications and such a settlement would require no Hearing on the License of WFCI. Both WFCI and HPR would be provided channels with which to broadcast 24 hours daily without the need for a Hearing on the matter.

Time sharing is used as one means of resolving comparative proceedings in which more than one applicant wishes to construct a new noncommercial station to serve a particular community, but only one channel is available. **FCC**

Decision NASSAU COMMUNITY COLLEGE File No. BMLED-951024KA

In the instance where there are two channels available one noncommercial group can utilize a channel and another noncommercial group can utilize another. No other noncommercial entity applied to share time during the window for time share proposals and the NPRM would allow a resolution to the time share proposal without a Hearing on the matter.

HPR is aware of the Counter Proposal by noncommercial broadcaster Indiana Community Radio Corporation (ICRC) who favors it as well.

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HPR Counterproposal

With the deletion of Channel 262B at Connersville and addition of Channel 262A at Norwood Ohio several additional beneficial changes are possible for noncommercial broadcasters.

HPR advocates the following:

Channel 262A Morristown, Indiana / Whiteland, Indiana

HPR is aware noncommercial WJCF Morristown Indiana wishes to add digital service which would cause great harm to WRTV Channel 6 as the digital channel for WJCF would be 87.9 or Channel 200A and WRTV is at 88.75. **WJCF** would transition from **Channel 201A** to **Channel 262A** to allow digital broadcasting with no harm to WRTV Channel 6. A modification to the Construction permit for Channel 201A to Channel 262A would be in the Public Interest.

WJCF would have better coverage to Morristown, Indiana. A modification to the Construction permit for Channel 201A to Channel 262A would be in the Public Interest.

The local zoning agency will not allow WJCF to raise its current tower even though it has been properly zoned and the zoning did not restrict tower height. The agency raises WRTV interference at every public meeting where any zoning change is requested. A modification to the Construction permit for Channel 201A to Channel 262A would be in the Public Interest.

WJCF has had significant contact in regards to interference with the audio of WRTV Channel 6 because WJCF is at 88.1 and WRTV audio is at 87.75. With the advent of digital broadcasting which ICRC proposes, this becomes a significant problem for WRTV Channel 6 despite the fact that all the Commission's Rules would be met. A channel change to 262A for WJCF is in the Public Interest.

Commission precedent in this area is specific. Another noncommercial station, WFIU Bloomington, Indiana, was originally allocated in the reserved band and due to Channel 6 interference the Commission changed the WFIU allocation to Channel 279B in the non reserved band. A modification to the Construction permit for Channel 201A to Channel 262A would be in the Public Interest.

A modification to the Construction permit for Channel 201A to Channel 262A would be in the Public Interest.

WJCF would provide nearly 100,000 new persons with service.

HPR requests the Commission allow WJCF to move from Channel 201A to Channel 262A and waive Rules which would prohibit such a move.

CH 208A Franklin Indiana Time Share with HPR to Channel 201A Greenfield, Indiana

HPR would request the Commission consider allowing HPR to resolve the time share application with WFCI by allowing HPR to modify it's application BPED 20040701AAE from **CH 208A at Franklin Indiana** to **CH 201A at Greenfield, Indiana**.

HPR would utilize the following coordinates : 39-45-01 N 85-33-19 W, 2000 watts (Vertical) omnidirectional at 60 meters. There would be no prohibited overlap to any existing station or permit as a result fo this allocation, utilizing contour protection. HPR would pledge to install filters on televisions and does not plan to utilize digital broadcasting at this time.

HPR would resolve the time share application with WFCI by moving to another noncommercial channel and both would be allowed to provide service to their respective communities without a Hearing on the matter. The resolution of this matter outside of a Hearing would be in the Public interest.

Currently Franklin has both a commercial and noncommercial allocation. Greenfield has a single noncommercial allocation which is a training program for students. The new noncommercial allocation would provide a second Greenfield non commercial service. A new Greenfield Allocation would be in the public interest.

Hardship

HPR is headed by Martin Hensley who is terminally ill. Hensley has renal failure, neuropathy, retinopathy and related vascular illnesses. Hensley is legally blind. Hensley's brother Steven died in 2002, at age 38, of the same diseases as Hensley who is 44. A Hearing on the current time share may take place years down the road, possibly after Hensley's death. A resolution as presented would allow this matter to be settled with both time share applicants being provided a 24 hour facility with which to broadcast.

The operation proposed is noncommercial and service oriented. HPR has donors who will provide funds to build the facility This proposal is in the Public interest.

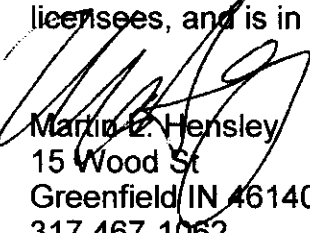
Counterproposal by HPR

Community	Present	Proposed
Connersville, Indiana	262B	213A
Madison, Indiana	*266A	*265A
Richmond, Indiana	267B	267B1
Erlanger, Kentucky	265A	266A
Lebanon, Kentucky	265C3	-----
Lebanon Junction, Kentucky	297A	274A

New Haven, Kentucky ----- 297A
Norwood, Ohio ----- 262A
Springfield, Kentucky 274A 265A
Morristown, Indiana 201A 262A
Franklin Indiana 208A (Time Share WFCI and HPR)
Greenfield, Indiana CH 201A

Conclusion

The Counter Proposal by ICRC provides first time service to Whiteland, Indiana, allows a second non commercial service to Greenfield, Indiana, resolves Channel 6 issues, provides coverage to nearly 100 thousand new listeners. resolves a time share application which is mutually beneficial to two licensees, and is in the Public interest..



Martin E. Hensley
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Greenfield IN 46140
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Declaration of Martin Hensley

I am Martin Hensley affirm under penalty of perjury the following: The statements contained herein are true and correct. To statements based on the work of others submitted herein I believe them to be true also.



Martin Hensley

Certificate Of Service

Copies to Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW- A325, Washington, D. C. 20554. (One original and 4 copies) Additionally, a copy of such comments should be served on the petitioner, as follows: Mark N. Lipp, Esq. John F. Garziglia, Esq. J. Thomas Nolan, Esq. Howard Barr, Esq. Scott Woodworth, Esq. Counsel for Washington County CBC, Inc. Counsel for Rodgers Broadcasting Corporation Elizabethtown CBC, Inc. and CBC of Marion Vinson & Elkins, LLP County, Inc. 1455 Pennsylvania Avenue, N. W. Womble Carlyle Sandridge & Rice, PLLC Washington, D. C. 20004 1401 Eye Street, N. W. Seventh Floor Washington, D. C. 20005 15. Lee Shubert KMZ 1025 Thomas Jefferson St NW Washington DC 20007-5201



Martin Hensley